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102D CONGRESS
1st Session

SENATE

REPORT
102-210

ARKANSAS WILD AND SCENIC RIVERS ACT OF 1991

NOVEMBER 12, 1991.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 1743]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 1743) to amend the Wild and Scenic Rivers Act by designating certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 2, lines 6 through 8, strike "The 41.3-mile segment from its origin in section 24, township 11 north, range 20 west," and insert in lieu thereof "The 45.2-mile segment from its origin in section 27, township 13 north, range 23 west,".
2. On page 3, lines 3 and 7, strike "in" and insert in lieu thereof, "on the north section line of".
3. On page 3, line 12, strike "in" and insert in lieu thereof, "in the southeast ¼ of".
4. On page 3, line 23, and page 4, line 4, strike "section 21," and insert in lieu thereof, "section 1,".
5. On page 4, lines 5 and 8, strike "inside" and insert in lieu thereof, "bordering".
6. On page 4, line 17, strike "in" and insert in lieu thereof, "in the northwest ¼ of".
7. On page 4, line 23, strike "in" and insert in lieu thereof, "in the southeast ¼ of".
8. On page 5, lines 20 and 25, strike "section 27, township 12" and insert in lieu thereof, "section 36, township 13".

59-010

S313-37

Purpose of the Measure

The purpose of S. 1743, as ordered reported, is to designate segments of eight rivers in the State of Arkansas comprising approximately 210 miles as components of the Wild and Scenic Rivers System.

Background and Need

With the enactment of the Wild and Scenic Rivers Act in 1968, Congress established a national policy for the protection of certain rivers in the United States. The Wild and Scenic Rivers Act provides that rivers which possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, should be preserved in a free-flowing condition, and that the rivers and their immediate environments should be protected for the benefit and enjoyment of present and future generations. Currently, portions of 125 rivers have been designated as components of the National Wild and Scenic Rivers System.

In 1982 the Department of the Interior released a Nationwide Rivers Inventory, which identified some 62,000 miles of rivers in the United States for possible inclusion in the National Wild and Scenic Rivers System. In addition, the Forest Service, in its land management planning process, has been evaluating rivers located within National Forests for potential addition to the Wild and Scenic Rivers System, as required by section 5(d) of the Wild and Scenic Rivers Act.

Enactment of S. 1743 marks the first time that any river within the State of Arkansas will be added to the Wild and Scenic Rivers System, although part of the Buffalo River has been designated as a National River, under the jurisdiction of the National Park Service.

Six of the eight rivers to be designated by this legislation (Big Piney Creek, Buffalo, Hurricane Creek, Mulberry, North Sylamore Creek, and Richland Creek) are located within the Ozark National Forest and two (Cossatot and the Little Missouri River) are located within the Ouachita National Forest. The designation of these eight rivers follow the recommendations of the Forest Service in its "Wild and Scenic River Study Report and Final Environmental Impact Statement" for the Ozark National Forest, and the Land and Resource Management Plan for the Ouachita National Forest. With the exception of a 4.6-mile segment of the Cossatot River to be administered by the Army Corps of Engineers and 10.7 miles of the Cossatot and its Brushy Creek tributary, which will be administered by the State of Arkansas, all of the river segments included in the Wild and Scenic Rivers System by S. 1743 are to be administered by the Secretary of Agriculture.

Legislative History

S. 1743 was introduced by Senators Bumpers and Pryor on September 23, 1991. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the bill on October 15, 1991.

At the business meeting on October 30, 1991, the Committee on Energy and Natural Resources ordered S. 1743, as amended, favorably reported.

Committee Recommendations and Tabulation of Votes

The Committee on Energy and Natural Resources, in open business session on October 30, 1991, by a unanimous vote of a quorum present, recommends that the Senate pass S. 1743, if amended as described herein.

The roll call vote on reporting the measure was 20 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Bradley*	
Mr. Bingaman	
Mr. Wirth	
Mr. Conrad	
Mr. Akaka*	
Mr. Fowler*	
Mr. Shelby*	
Mr. Wellstone*	
Mr. Wallop	
Mr. Hatfield	
Mr. Domenici	
Mr. Murkowski	
Mr. Nickles*	
Mr. Burns	
Mr. Craig	
Mr. Seymour*	
Mr. Garn	

* Indicates voted by proxy.

Committee Amendments

During the consideration of S. 1743, the Committee adopted 8 technical amendments. These amendments simply correct the legal description of segments of Big Piney Creek, the Cossatot River, Hurricane Creek, the Little Missouri River, and Richland Creek, which would be added as components of the National Wild and Scenic Rivers System by S. 1743.

Section-by-Section Analysis

Section 1 entitles the Act the "Arkansas Wild and Scenic Rivers Act of 1991."

Section 2 adds segments of 8 rivers in Arkansas as components of the National Wild and Scenic Rivers System. The rivers to be added to the system include—

45.2 miles of Big Piney Creek;
15.8 miles of the Buffalo River;
20.1 miles of the Cossatot River;

15.5 miles of Hurricane Creek;
15.7 miles of the Little Missouri River;
56.0 miles of the Mulberry River;
14.5 miles of North Sylamore Creek; and
16.5 miles of Richland Creek.

Section 3 designates a 10.4-mile segment of the Cossatot River and a 0.3-mile segment of one of its tributaries, Brushy Creek, as components of the National Wild and Scenic Rivers System. The two river segments are to be managed by the State of Arkansas in accordance with the requirements of section 2(a)(ii) of the Wild and Scenic Rivers Act. Section 2(a)(ii) allows for additions to the National Wild and Scenic Rivers System by the Secretary of the Interior upon application by the Governor of a State for rivers that are protected under State law and which meet the criteria of the Wild and Scenic Rivers Act. The Committee notes that the State has already submitted an application to the Secretary and that the two river segments satisfy the requirements of section 2(a)(ii).

Section 4 makes clear that nothing in this Act is intended to prohibit the Army Corps of Engineers from operating Gillham Lake, including lake levels and releases, in a manner consistent with Congressional authorization for the Gillham project. The section also provides that this Act is not intended to prohibit the Corps of Engineers from establishing a public use area at the confluence of the Cossatot River with Gillham Lake for the termination of float trips.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, November 6, 1991.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed S. 1743, the Arkansas Wild and Scenic Rivers Act of 1991, as ordered reported by the Senate Committee on Energy and Natural Resources, October 30, 1991. CBO estimates that implementation of this bill would cost the federal government $200,000 to $300,000 per year for the next five years.

S. 1743 would designate segments of several rivers in Arkansas as wild, scenic or recreational rivers to be managed by the Secretary of Agriculture or the Secretary of the Army. Based on information provided by the two agencies and assuming appropriation of the necessary funds, we estimate that these designations would result in costs to the federal government of $300,000 over the next 5 years for development of a river management plan and $200,000 each year for operations and maintenance.

Enactment of S. 1743 would not affect direct spending or receipts. Therefore, pay-as-you-go scoring would not apply to this bill.

No additional costs would be incurred by state or local governments as a result of this bill.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Marjorie Miller, who can be reached at 226–2860.

Sincerely,

ROBERT D. REISCHAUER.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1743. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1743, as ordered reported.

EXECUTIVE COMMUNICATIONS

On October 2, 1991, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture, the Federal Energy Regulatory Commission, and the Office of Management and Budget setting forth Executive agency recommendations on S. 1743. On October 23, 1991, the Committee requested a report from the Department of the Army. The report submitted by the Federal Energy Regulatory Commission is set forth below. The reports from the Department of Agriculture and the Department of the Army had not been received at the time the report on S. 1743 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Subcommittee hearing follows:

FEDERAL ENERGY REGULATORY COMMISSION,
Washington, DC, October 23, 1991.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR CHAIRMAN JOHNSTON: Thank you for your letter of October 2, 1991, requesting comments on S. 1743, a bill to designate certain rivers in the state of Arkansas as components of the National Wild and Scenic Rivers System. Enclosed is a Commission staff report on the bill, which I hope will be useful in your consideration of S. 1743.

I appreciate your inquiry. If I can be of any further assistance in this matter, please do not hesitate to contact me.

Yours truly,

MARTIN L. ALLDAY.

Enclosure.

REPORT ON S. 1743, 102D CONGRESS, 1ST SESSION

A BILL To designate certain rivers in the State of Arkansas as components of the National Wild and Scenic Rivers System

On September 24, 1991, Senator Bumpers, on behalf of himself and Senator Pryor, introduced S. 1743, the "Arkansas Wild and Scenic Rivers Act of 1991." Section 2 of the bill would amend Section 3(a) of the Wild and Scenic Rivers Act (Rivers Act), 16 U.S.C. § 1274(a), to add to the list of component rivers of the Wild and Scenic Rivers System (System) the following:

(119) Big Piney Creek—The 41.3-mile segment from its origin to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture as a scenic river;

(120) Buffalo River—The 15.8-mile segment from its origin to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

(A) The 6.4-mile segment from its origin to the western boundary of the Upper Buffalo Wilderness, as a scenic river;

(B) The 9.4-mile segment from the western boundary of the Upper Buffalo Wilderness to the Ozark National Forest boundary, as a wild river;

(121) Cossatot River—Segments totaling 20.1 miles to be administered as follows:

(A) The 4.2-mile segment of the main stem from its confluence with Mine Creek to the Caney Creek Wilderness boundary, to be administered by the Secretary of Agriculture as a recreational river;

(B) The 6.9-mile segment of the main stem from the Caney Creek Wilderness boundary to the Forest Proclamation boundary, to be administered by the Secretary of Agriculture as a scenic river;

(C) The 4.4-mile segment of the Brushy Creek tributary from its origin to the Forest Proclamation boundary, to be administered by the Secretary of Agriculture as a scenic river;

(D) The 4.6-mile segment of the main stem from the State Highway 4 bridge to Duchett's Ford, to be administered by the Secretary of the Army as a scenic river consistent with the operation of Gillham Dam;

(122) Hurricane Creek—The 15.5-mile segment from its origin to its confluence with Big Piney Creek, to be administered by the Secretary of Agriculture in the following classes:

(A) The 11.8-mile segment from its origin to the western boundary of the private land inside Hurricane Creek Wilderness, as a scenic river;

(B) The 2.4-mile segment from the western boundary of the private land inside the Hurricane Creek Wilderness to the Hurricane Creek Wilderness boundary, as a wild river;

(C) The 1.3-mile segment from the Hurricane Creek Wilderness boundary to its confluence with Big Piney Creek, as a scenic river;

(123) Little Missouri River—Segments totaling 15.7 miles, to be administered by the Secretary of Agriculture in the following classes:

(A) The 11.3-mile segment from its origin to the west section line of section 22, township 4 south, range 27 west, as a scenic river;

(B) The 4.4-mile segment from the southern property line between the National Forest System lands and private lands in section 28, township 4 south, range 27 west, to the Forest Proclamation boundary, as a wild river;

(124) Mulberry River—The 56.0-mile segment from its origin to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

(A) The 36.6-mile segment from its origin to Big Eddy Hollow, as a recreational river;

(B) The 19.4-mile segment from Big Eddy Hollow to the Ozark National Forest boundary, as a scenic river;

(125) North Sylamore Creek—The 14.5-mile segment from the Clifty Canyon Botanical Area boundary to its confluence with the White River, to be administered by the Secretary of Agriculture as a scenic river;

(126) Richland Creek—The 16.5-mile segment from its origin to the northern boundary of section 32, township 14 north, range 18 west, to be administered by the Secretary of Agriculture the following classes:

(A) The 7.8-mile segment from its origin to the western boundary of the Richland Creek Wilderness, as a scenic river;

(B) The 5.3-mile segment from the western boundary of the Richland Creek Wilderness to the eastern boundary of the Richland Creek Wilderness, as a wild river;

(C) The 3.4-mile segment from the eastern boundary of Richland Creek Wilderness to the northern boundary of section 32, township 14 north, range 18 west, as a scenic river.

Section 3 of the bill designates certain segments as components of the System to be managed by the State of Arkansas, in accordance with the requirements for rivers included in the System pursuant to Section 2(a)(ii) of the Rivers Act, 16 U.S.C. 1273(a)(ii). The segments to be managed by Arkansas are:

(1) The 10.4-mile segment of the Cossatot River from the Forest Proclamation boundary to the intersection with State Highway 4;

(2) The 0.3-mile segment of the Brushy Creek tributary from the Forest Proclamation boundary to its confluence with the Cossatot River.

Section 4 of the bill, the savings provision, intends that the Secretary of the Army will operate Gillham Lake in a manner consistent with the Gillham Project, as authorized by the Flood Control Act of 1958.

EFFECT OF S. 1743, IF ENACTED, ON PRELIMINARY PERMITS, LICENSES, AND EXEMPTIONS THAT HAVE BEEN ISSUED BY THE COMMISSION, AND ON APPLICATIONS FILED WITH THE COMMISSION PROPOSING HYDROPOWER DEVELOPMENT

Pursuant to Sections 7 (a) and (b) of the Rivers Act, 16 U.S.C. § 1278 (a) and (b), the Commission is prohibited from licensing the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works that would be on or directly affecting a river designated in Section 3(a) of the Rivers Act as part of the System (Component River), or a river designated by Section 5(a) of the Rivers Act for study for potential addition to the System (Study River), respectively. Sections 7 (a) and (b), through a limitation on the first prohibition, also prohibit the Commission from licensing project works above or below a Component River or Study River or on a stream tributary thereto if the project works would invade or diminish the scenic, recreational, and fish and wildlife values present in the Component River or Study River.

The Commission has interpreted the prohibitions on licensing of Sections 7 (a) and (b) as applying to issuance of exemptions. *See, e.g., Swanson Mining Corp.*, 22 FERC ¶ 61,184 (1983), *reh'g denied*, 30 FERC ¶ 61,109 (1985), *aff'd*, 790 F.2d 96 (D.C. Cir. 1986). The Commission has determined that it is the responsibility of the administering Secretary to make determinations regarding the consistency of a proposed project with the provisions of the Rivers Act. *See China Flat Company*, 27 FERC ¶ 61,024 (1984). However, since Sections 7 (a) and (b) prohibit only the authorization of construction, the Commission has held that it can issue preliminary permits authorizing the study (but not the construction) of projects to be located on or directly affecting Component Rivers and Study Rivers, but the Commission advises permittees that they must reconfigure the project to eliminate any conflict with Component Rivers. *See Modesto Irrigation District*, 17 FERC ¶ 61,144 (1981); *City of Delta*, 4 FERC ¶ 61,102 (1978).

A review of the Commission's records indicates that there are no outstanding licenses, exemptions, or preliminary permits, and no pending applications for license or exemption that would be directly or indirectly affected by S. 1743.

We note, however, that the U.S. Army Corps of Engineers operates the 25.5 MW Narrows Hydroelectric Project located at mile 105.5 on the Little Missouri River. The project is a dual-purpose flood control and water power reservoir.

STATEMENT OF LARRY HENSON, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

CONCERNING S. 1743, THE ARKANSAS WILD AND SCENIC RIVERS ACT OF 1991 AND S. 209/H.R. 476, THE MICHIGAN SCENIC RIVERS ACT OF 1991

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to present the views of the Department of Agriculture regarding S. 1743, the "Arkansas Wild and Scenic Rivers Act of 1991," and S. 209/H.R. 476, the "Michigan Scenic Rivers Act of 1991."

Mr. Chairman, the Forest Service proudly administers 70 designated wild and scenic rivers as part of America's Great Outdoors—the National Forests. These rivers, totaling over 3,417 miles, contain outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, and other significant values. We have a strong commitment to the National Wild and Scenic Rivers System.

I would like to briefly address each bill and then I would be glad to answer your questions.

S. 1743, THE ARKANSAS WILD AND SCENIC RIVERS ACT OF 1991

Mr. Chairman, I would like to express my appreciation for the efforts you and other members of the Arkansas delegation have made to incorporate the resource and technical information you requested from the Forest Service as S. 1743 was developed.

The Department of Agriculture supports the enactment of S. 1743, if amended to include the minor technical corrections described in Supplemental Statement "A". Otherwise, we support the bill as written.

S. 1743 would designate 191.5 miles of eight streams. These would be the first rivers in the Wild and Scenic Rivers System in the State of Arkansas.

A total of 186.9 miles of these streams are within the Ozark and Ouachita National Forests, and our comments are directed to these National Forest rivers. The other 4.6-mile segment, on the Cossatot River, is administered by the Corps of Engineers, and we defer to the Department of the Army regarding that segment.

The 186.9 miles of National Forest rivers included in this legislation have been studied by the Ozark and Ouachita National Forests to determine their eligibility and suitability for Wild and Scenic River designation, along with a number of other rivers on the two Forests. The rivers which would be designated by S. 1743 match exactly the recommendations from our studies, and we are pleased to support their inclusion in the Wild and Scenic Rivers System.

The recommended rivers provide excellent recreational opportunities as they are close to eight major population centers. Recreational use in the river corridors and adjacent developed recreation sites is expected to increase if the rivers are designated.

Designation of these river segments would not have a significant adverse effect on other resource values. There are no proposed water resource developments on the river segments proposed for designation. Oil and gas production would not be affected, and the impact on future mineral development would be very minor. Potential timber harvest would not be significantly reduced.

Section 3 of S. 1743 would designate 10.7 miles of the Cossatot River and its Brushy Creek tributary outside the National Forest boundary. We have reviewed the application submitted by Governor Clinton to the Secretary of the Interior for designation of that segment of the Cossatot River under Section 2(a)(ii) of the Wild and Scenic Rivers Act. We support that designation, as the river has been jointly studied by the State of Arkansas, the Forest Service, and the Corps of Engineers, and we look forward to continuing that cooperative effort in management of the Cossatot as a Wild and Scenic River.

In summary, we are pleased to support the addition of these high-quality rivers to the National Wild and Scenic Rivers System. This completes my statement on S. 1743.

S. 209/H.R. 476, THE MICHIGAN SCENIC RIVERS ACT OF 1991

Turning now to the Michigan legislation, it is our understanding that the focus of the hearing today is on H.R. 476, as passed by the House, rather than S. 209. The House passed bill contains many amendments which we recommended that are not included in S. 209. The Department of Agriculture supports H.R. 476, as amended, but recommends additional amendments to address our remaining concerns.

H.R. 476, as amended in the House, would designate 570 miles of 15 rivers. We recommend designation for 576 miles of these same 15 rivers. We also suggest further review of several of the current segment classifications, as listed below. In addition, we suggest amendments to deal with some remaining management issues. The proposed amendments regarding these issues, as well as several minor technical amendments, are presented, with supporting rationale, in our Supplemental Statement "B", which we request be included as part of the record.

Section 3—Designated rivers

We support designation of Bear Creek and the Black, Carp, Indian, Manistee, Paint, Pine, Sturgeon (Hiawatha National Forest), East Branch Tahquamenon, Yellow Dog, Whitefish, and Brule rivers as proposed in section 3 of H.R. 476.

We recommend that the classification for certain segments of the Ontonagon, Presque Isle, and Sturgeon (Ottawa National Forest) Rivers be amended to accurately reflect on-the-ground conditions.

Regarding the Ontonagon River system, we recommend deleting the upper 12 miles of the Cisco Branch, as we do not believe it possesses the outstandingly remarkable characteristics necessary for designation. Streamflow is very low to non-existent from June through September due to upstream dams. We do, however recommend the designation of 17 miles of the South Branch of the Ontonagon, currently listed for study. We believe these segments within the National Forest Boundary are eligible and suitable, and that further study is unnecessary.

Section 4—Study rivers

Regarding section 4 of H.R. 476, we agree studies are needed for portions of each of the study rivers listed. However, we recommend deleting the upper 12 miles of the West Branch Ontonagon River, as we do not believe it possesses characteristics suitable for designation, due to low to non-existent flows during the summer.

The Paint, Sturgeon, Tahquamenon, and Whitefish study rivers are entirely outside the National forest boundaries and flow through State and private lands. In addition, if the Committee adopts our recommendations to immediately designate rather than study certain segments of the Ontonagon, only 14.5 miles of the South Branch Ontonagon would remain as a study river. This segment of the South Branch is also outside the National Forest

boundary. Rather than requiring the Secretary of Agriculture to study these rivers, we believe a better approach would be for the State of Michigan and the Secretary to cooperatively conduct these studies. Such an approach would undoubtedly result in higher quality studies, and we believe this is more appropriate where the land ownership is predominantly State and private.

Need for stream restoration

Turn-of-the-century log drives on many Michigan rivers caused extensive stream channel damage. Many natural components of the river system, such as large fallen trees, were removed, taking with them stream stability and aquatic habitat. Eroding watersheds and stream banks have caused significant sedimentation.

Restortion work, including reconstruction of spawning habitat, wood cover structures along the banks, the placement of large woody debris (large trees), and stabilization of eroding banks, has been underway for some time. This work has been a cooperative effort involving many sports organizations, riparian landowners associations, the State of Michigan, and the Forest Service. This work has been strongly supported in the State of Michigan by many public groups and cooperating agencies. If amended as we recommended, the Forest Service would continue to support these restoration efforts in designated rivers which suffered degradation from past human activities.

In our testimony before the House Interior and Insular Affairs Committee in April 1991, we recommended that H.R. 476 be amended to clearly authorize the use of structural and nonstructural techniques to restore the aquatic habitat and other values of some of the Michigan rivers included for designation in the bill. Our objective was to clarify the legal authorization for use of these techniques and avoid possible conflicts with the Wild and Scenic Rivers Act, particularly the definition of "free flowing" in Section 16, and the direction regarding water resource projects in Section 7.

We are pleased to note in the House Committee Report (No. 102–84) of June 3, 1991, that the importance of fisheries and aquatic ecosystems in these rivers is recognized and the use of structural and nonstructural efforts is endorsed to correct significant water quality problems, restore aquatic habitat or correct other ecological degradation caused by past human activity. We believe the House Committee Report helps clarify that such restoration activities are permissible so long as they do not have an adverse impact on the values for which the rivers are designated.

However, even though this issue is addressed in the House Committee Report, continuing concerns have been voiced by various organizations and agencies, including our own Office of the General Counsel, about possible conflicts between Wild and Scenic Rivers designation and stream restoration work. This indicates that Sections 7 and 16 of the wild and Scenic Rivers Act are unclear on this particular issue, and are subject to contrasting interpretation.

Therefore, we continue to recommend that section 6 of H.R. 476 be amended to specifically authorize the use of structural and nonstructural techniques to restore the aquatic habitat and other values along designated rivers where such projects are necessary to

correct significant water quality problems, restore aquatic habitat, or correct other ecological degradation caused by past activity, and where the need for such work is identified in the river management plan. The bill should also recognize the importance of evaluating these restoration activities through a comprehensive stream and ecosystem management planning process, in which all outstandingly remarkable values are considered and protected. This would include cumulative affects analyses on the natural geologic and other ecological processes which contribute to the river's free-flowing values.

In summary, the Department of Agriculture supports the overall purpose of H.R. 476 and recommends that the bill be enacted if amended to address our remaining concerns.

Mr. Chairman, that completes my statement. I would be happy to answer your questions.

SUPPLEMENTAL STATEMENT "A"

This supplemental statement follows the general format of S. 1743. In the interest of brevity, it only addresses the sections for which the Department of Agriculture recommends amendments. Material to be deleted is bracketed, and material to be inserted is printed in italic. The rationale for the recommended changes follows each amended provision in all capital letters.

SEC. 2. WILD, SCENIC, AND RECREATIONAL RIVER DESIGNATIONS.

"(119) Big Piney Creek, Arkansas.—the [41.3] *45.2*-mile segment from its origin in section [24] *27,* township [11] *13* north, range [20] *23* west, to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture as a scenic river."

CORRECTION TO LEGAL DESCRIPTION OF RIVER SEGMENT.

"(121) Cossatot River, Arkansas.

"(A) The 4.2-mile segment of the main stem from its confluence with Mine Creek to the Caney Creek Wilderness Boundary [in] *on the north section line of* section 13, township 4 south, range 30 west, to be administered by the Secretary of Agriculture as a recreational river.

"(B) The 6.9-mile segment of the main stem from the Caney Creek Wilderness Boundary [in] *on the north section line of* section 13, township 4 south, range 30 west, to the Forest Proclamation Boundary, to be administered by the Secretary of Agriculture as a scenic river.

"(C) The 4.4-mile segment of the Brushy Creek tributary from its origin in *the southeast ¼ of* section 7, township 4 south, range [27] *30* west, to the Forest Proclamation Boundary, to be administered by the Secretary of Agriculture as a scenic river."

CORRECTIONS TO LEGAL DESCRIPTION OF RIVER SEGMENTS.

"(122) Hurricane Creek, Arkansas.—The 15.5-mile segment from its origin in section [21] *1*, township 13 north, range 21 west, to its confluence with Big Piney Creek, to be administered by the Secretary of Agriculture in the following classes:"

CORRECTION TO LEGAL DESCRIPTION OF RIVER SEGMENT.

"(122) Hurricane Creek, Arkansas.

"(B) The 2.4-mile segment from the western boundary of the private land [inside] *bordering* the Hurricane Creek Wilderness to the Hurricane Creek Wilderness boundary, as a wild river."

CORRECTION TO NARRATIVE DESCRIPTION OF RIVER SEGMENT.

"(123) Little Missouri River, Arkansas.

"(A) The 11.3-mile segment from its origin in *the northwest ¼ of* section 32, township 3 south, range 28 west, to the west section line of section 22, township 4 south, range 27 west, as a scenic river.

"(B) The 4.4-mile segment from the southern property line between National Forest System lands and private lands in *the southeast ¼ of* section 28, township 4 south, range 27 west, to the Forest Proclamation Boundary, as a wild river.

CORRECTION TO NARRATIVE DESCRIPTION OF RIVER SEGMENT.

"(126) Richland Creek, Arkansas.—The 16.5-mile segment from its origin in section [27] *35,* township [12] *13* north, range 20 west, to the northern boundary of section 32, township 14 north, range 18 west, to be administered by the Secretary of Agriculture in the following classes:"

CORRECTION TO LEGAL DESCRIPTION OF RIVER SEGMENT.

"(A) The 7.8-mile segment from its origin in section [27] *35,* township [12] *13* north, range 20 west, to the western boundary of the Richland Creek Wilderness, as a scenic river."

CORRECTION TO LEGAL DESCRIPTION OF RIVER SEGMENT.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1743, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

WILD AND SCENIC RIVERS ACT

AN ACT To provide a National Wild and Scenic Rivers System, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Wild and Scenic Rivers Act".

* * * * * * *

SEC. 3. (a) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

* * * * * * *

(119) BIG PINEY CREEK, ARKANSAS.—The 45.2-mile segment from its origin in section 27, township 13 north, range 23 west, to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture as a scenic river.

(120) BUFFALO RIVER, ARKANSAS.—The 15.8-mile segment from its origin in section 22, township 14 north, range 24 west, to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

(A) The 6.4-mile segment from its origin in section 22, township 14 north, range 24 west, to the western boundary of the Upper Buffalo Wilderness, as a scenic river.

(B) The 9.4-mile segment from the western boundary of the Upper Buffalo Wilderness to the Ozark National Forest boundary, as a wild river.

(121) COSSATOT RIVER, ARKANSAS.—Segments of the main stem and certain tributaries, totaling 20.1 miles, to be administered as follows:

(A) The 4.2-mile segment of the main stem from its confluence with Mine Creek to the Caney Creek Wilderness Boundary on the north section line of section 13, township 4 south, range 30 west, to be administered by the Secretary of Agriculture as a recreational river.

(B) The 6.9-mile segment of the main stem from the Caney Creek Wilderness Boundary on the north section line of section 13, township 4 south, range 30 west, to the Forest Proclamation Boundary, to be administered by the Secretary of Agriculture as a scenic river.

(C) The 4.4-mile segment of the Brushy Creek tributary from its origin in the southeast ¼ of section 7, township 4 south, range 27 west, to the Forest Proclamation Boundary, to be administered by the Secretary of Agriculture as a scenic river.

(D) The 4.6-mile segment of the main stem from the State Highway 4 bridge to Duchett's Ford, to be administered by the Secretary of the Army as a scenic river consistent with the operation of Gillham Dam (as authorized by section 203 of the Flood Control Act of 1958 (Public Law 85–500)).

(122) HURRICANE CREEK, ARKANSAS.—The 15.5-mile segment from its origin in section 1, township 13 north, range 21 west, to its confluence with Big Piney Creek, to be administered by the Secretary of Agriculture in the following classes:

(A) The 11.8-mile segment from its origin in section 1, township 13 north, range 21 west, to the western boundary of the private land bordering Hurricane Creek Wilderness, as a scenic river.

(B) The 2.4-mile segment from the western boundary of the private land bordering the Hurricane Creek Wilderness to the Hurricane Creek Wilderness boundary, as a wild river.

(C) The 1.3-mile segment from the Hurricane Creek Wilderness boundary to its confluence with Big Piney Creek, as a scenic river.

(123) LITTLE MISSOURI RIVER, ARKANSAS.—Segments totaling 15.7 miles, to be administered by the Secretary of Agriculture in the following classes:

(A) The 11.3-mile segment from its origin in the northwest ¼ of section 32, township 3 south, range 28 west, to the west section line of section 22, township 4 south, range 27 west, as a scenic river.

(B) The 4.4-mile segment from the southern property line between National Forest System lands and private lands in the southeast ¼ of section 28, township 4 south, range 27 west, to the Forest Proclamation Boundary, as a wild river.

(124) MULBERRY RIVER, ARKANSAS.—The 56.0-mile segment from its origin in section 32, township 13 north, range 23 west, to the Ozark National Forest boundary, to be administered by the Secretary of Agriculture in the following classes:

(A) The 36.6-mile segment from its origin in section 32, township 13 north, range 23 west, to Big Eddy Hollow in section 3, township 11 north, range 27 west, as a recreational river.

(B) The 19.4-mile segment from Big Eddy Hollow in section 3, township 11 north, range 27 west, to the Ozark National Forest boundary, as a scenic river.

(125) NORTH SYLAMORE CREEK, ARKANSAS.—The 14.5-mile segment from the Clifty Canyon Botanical Area boundary to its confluence with the White River, to be administered by the Secretary of Agriculture as a scenic river.

(126) RICHLAND CREEK, ARKANSAS.—The 16.5-mile segment from its origin in section 36, township 13 north, range 20 west, to the northern boundary of section 32, township 14 north, range 18 west, to be administered by the Secretary of Agriculture in the following classes:

(A) The 7.8-mile segment from its origin in section 36, township 13 north, range 20 west, to the western boundary of the Richland Creek Wilderness, as a scenic river.

(B) The 5.3-mile segment from the western boundary of the Richland Creek Wilderness to the eastern boundary of the Richland Creek Wilderness, as a wild river.

(C) The 3.4-mile segment from the eastern boundary of the Richland Creek Wilderness to the northern boundary of section 32, township 14 north, range 18 west, as a scenic river.

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